

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA**

NELLIE L. KING, THE LAW OFFICES OF  
NELLIE L. KING P.A.

Plaintiff,

Case No.: 2019CA011150XXXXMB  
CIRCUIT CIVIL DIV: AA

vs.

CITY OF DELRAY BEACH, FLORIDA ,  
Defendant.

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**MOTION FOR PROTECTIVE ORDER**

NICOLE GUERRIERO, moves the Court for a protective order and as grounds states as follows:

1. On September 12, 2019, the Writ of Mandamus in this case was served upon the City of Delray Beach. The subject of the Writ is evidence in the possession of the Delray Beach Police Department, specifically a thumb drive that contains the entire contents of Ms. Guerriero's personal cell phone. Absent in the Writ is any reference to Ms. Guerriero despite Ms. King being aware that the property she was seeking is hers and that Ms. Guerriero had been filing various documents and pleadings to have it returned to her.
2. On September 19, 2019, NICOLE GUERRIERO filed a Motion to Intervene requesting the Court allow her to be a party to this litigation and an opportunity to be heard in this matter.
3. On September 23, 2019, Ms. King filed a Motion to Strike Guerriero's Motion to Intervene.

4. On September 24, 2019, Ms. Guerriero was served with a Subpoena for Hearing on behalf of Ms. King's office for the scheduled October 2, 2019 hearing on the Writ of Mandamus.

5. It is unclear what testimony Ms. King seeks from Ms. Guerriero in this matter, however due to specific actions taken by Ms. King against Ms. Guerriero prior to this Writ being filed there is a need to limit the subject matter of her testimony.

6. Ms. Guerriero is a Lieutenant with the Delray Beach Police Department and has been employed with the agency for 20 years. Although at the time Ms. Guerriero reported the criminal stalking offense she was employed (and still is), her position and status had nothing to do with the underlying TRO and criminal case which this matter all stems from, her role at all times in the matter was the victim. Shortly after Ms. Guerriero and Ms. King's client reached an agreement in the TRO and it was dismissed, Ms. King attempted to use this personal and non-work related matter to impact Ms. Guerriero's professional career as a law enforcement officer. Specifically, Ms. King contacted the Delray Beach Police Department, Delray Beach City Manager, the City Mayor and Palm Beach County State Attorney's Office with numerous allegations of improper, unethical and criminal conduct which without a fair investigation could have career ending ramifications. An Internal Affairs investigation with Ms. Guerriero as the subject was commenced by the Delray Beach Police Department, as would be in every case for which the same subject matter is alleged. This investigation, as Ms. King is well aware, has not yet been concluded.

7. Any testimony that Ms. King elicits from Ms. Guerriero could be used in the Internal Affairs investigation. Moreover, Ms. King, being the complainant of the IA investigation, has yet to be interviewed by the IA Commander.

3. Based upon the above, Ms. Guerriero's testimony, if any, should be limited to facts regarding the thumb drive that has the entire contents of her personal cell phone which is the only issue before the Court. Any and all testimony, or even questions regarding the closed TRO, the closed criminal stalking case and Ms. Guerriero's pending IA investigation should be excluded.

WHEREFORE, NICOLE GUERRIERO respectfully request this Court grant her motion and issue a protective order for any testimony in the Hearing on the Writ of Mandamus.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of this document was delivered by email to Nellie King, Esq., Joseph Sconzo, Esq., Lynn Gelin Esq., and Lawonda Warren, Esq. on this 26th day of September, 2019.

Respectfully submitted,

/s/ Nicole Guerriero  
Nicole Guerriero  
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